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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Freedom of religion or faith – Indian Administered Jammu and Kashmir

Civil and Political Rights, assure among many other freedoms, Freedom of opinion and expression, Freedom of equal participation in political and public affairs and a Freedom of religion or faith. Islam is one of the three Abrahamic faiths and Prayer remains an article of faith. Friday prayer is a congregational prayer and assumes importance for its mandatory “Khutbah” – that is, a discussion of an important issue or subject.

Friday prayers at Jamia Masjid Srinagar – Indian Administered Jammu and Kashmir have a special significance in the religious and educational lives of Muslims. The mosque is a piece of rich architecture and an attraction for tourists.

Jamia Masjid is a mosque in Srinagar, Indian Administered Jammu and Kashmir. It is situated at Nowhatta in the middle of the Old City. The Mosque was commissioned by Sultan Sikandar in 1394 CE and completed in 1402 CE, at the behest of Mir Mohammad Hamadani, son of Mir Sayyid Ali Hamadani, and is regarded as one of the most important mosques in Indian Administered Kashmir.

The chief cleric of Indian Administered Kashmir Dr. Mirwaiz Umar Farooq, who has appeared at the Human Rights Commission Sessions in Geneva, has attended the 50th Anniversary of UN General Assembly in New York and has appeared at the Islamic Summit in Casablanca, has been leading the Friday Prayers at this Mosque, until he was placed under house arrest on 4 August 2019. The administration has not allowed any Friday Prayers for the last 27th consecutive Fridays (until 04 February 2022) and the chief cleric remains under house arrest.

UN Secretary General used his powers under article 99 of the UN Charter in his May 2018 report on Children and Armed Conflict and included India by expanding the scope of agenda under “Situations not on the agenda of the Security Council or other situations” and covered India in paras 217, 218, 219, 220 and 221. Paras 217 and 218 of the report deal with children of Indian Administered Jammu and Kashmir..

The situation in Indian Administered Jammu and Kashmir is a special situation, of the manner, which has been reported under article 35 of the Charter in the Indian communication of 01 January 1948 addressed to the UN Security Council.

Dr. Mirwaiz Umar Farooq is a political and a religious leader. OIC Islamic Summit of December 1994 has received him as Chairman of All Parties Hurriyat Conference in Casablanca, Morocco. He has lead the Hurriyat delegations to talk to Indian and Pakistani leaders in Delhi and in Islamabad, to find a peaceful solution to the Indian Administered Jammu and Kashmir dispute. His house arrest and the decision of the administration to disallow Friday Prayers led by him at the Jamia Masjid, constitute a serious interference in and a denial of his Freedom of religion or faith.

Disallowing the Friday Prayers even on the 25th consecutive Friday, is an aggravated interference and a serious denial of a freedom of faith of Muslims in Indian Administered Kashmir.

The chief cleric is denied his freedom of Equal participation in political and public affairs. He is denied his Freedom of opinion and expression, at a time, when we all are making efforts to ensure that the parties to the dispute, follow the UN-template to resolve the question of the future of the State and its people.

All Parties Hurriyat Conference headed by Dr. Mirwaiz Umar Farooq, has a constitutional discipline, framed in accordance with the UN Charter and UN Security Council Resolutions. The Alliance also believes in an alternative negotiated settlement of the Indian Administered Jammu and Kashmir dispute amongst “all the three parties to the dispute, namely, India, Pakistan and People of the State of Jammu and Kashmir.”

Paras 107, 108, 109, 110, 111, 112 and 113 in the OHCHR report of June 2018 carry an elaborate detail of “Restrictions on the on the right to freedom of expression.” Jamia Masjid is likely the only mosque in any part of the world today that has been unable to hold Friday congregation prayers for 27 consecutive Fridays. Matters of faith and inter-faith in the plural

society of Indian Administered Jammu and Kashmir, remain at the heart of the life of a common man and a woman.

Para 60 of the report of Dr. P Graham, the UN Representative for India and Pakistan submitted at the 570th Meeting of UN Security Council on 17 January 1952, describes that Indian Administered Jammu and Kashmir is home for Muslims, Hindus, Sikhs and Christians. Indian Administered Jammu and Kashmir is home for the people of other faiths and people of no faith as well.

Human Rights Council should take an urgent note that Dr. Mirwaiz Umar Farooq has remained under house arrest since August 4, 2019 and denied the life of a freeman. He has been denied the right to perform his religious duties for the last 27 consecutive Fridays and other associate duties during this period.

Dr. Mirwaiz Umar Farooq has remained under house arrest for 78 days in 2016, 200 days in 2017, 120 days in 2018, 174 days in 2019, 365 days in 2020, 365 days in 2021 and 35 days in 2022. The house arrest from the evening of 4 August 2019 has continued uninterrupted. The Friday Congregation Prayers barred at the Jamia Masjid have been 30 Fridays in 2016, 18 Fridays in 2017, 16 Fridays in 2018, 26 Fridays in 2019, 21 Fridays in 2020, 46 Fridays in 2021 and all 5 Fridays of 2022 so far.

He is unable to carry out the much needed humanitarian services to the community, while he remains under house arrest. It is a serious violation and merits Council intervention, in the interests of the individual freedoms and in the interests of the benefits to the community. One could very easily conclude that Dr. Mirwaiz Umar Farooq is not a threat of any manner to the peace and order. On the contrary his freedoms as a free man and his services to the religion, education and the philanthropic services to the community (inclusive) are under threat.

Dr. Mirwaiz Umar Farooq is an ambassador of peace and inter-faith dialogue. He is a strong advocate of the return in safety and in dignity, of the Kashmiri Pandits living in India (outside Valley) and the return in safety and in dignity of 2.5 million Kashmiri Muslim refugees living in the four provinces of Pakistan, as envisaged in Para 12 and Para 14 (a) of UN Security Council Resolution 47 of 21 April 1948.

JKCHR calls upon Government of India to revisit the house arrest of Dr. Mirwaiz Umar Farooq and reconsider the ban placed on Friday Prayers. Denial of personal freedoms and denial of religious freedom of the majority Muslim community does not reflect well on the institutional guarantees in a democracy – of the size of India. Human Rights Council needs to address this special situation.
